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1 could promote the spread of wildfire, including logging slash and debris,
2 deadwood, branches exceeding one (1) inch in diameter, and brush, shall be
3 chipped, burned, or removed within forty-five (45) days from the state of
4 timber operations.

5 (D) ~~(4)~~ In addition to the slash treatment described in ~~[44]~~ 14 CCR § 1038(c)(3),
6 the areas of timber operations must meet the vegetation treatment standards
7 in PRC § 4584(j)(1) to (2)(A) illustrated in Technical Rule Addendum No.4
8 within one year from the receipt of issuance of Notice of Acceptance.

9 (E) ~~(5)~~ In addition to the limitations listed in 14 CCR § 1038(b)(1)-(10), the
10 following apply:

11 1. ~~(A)~~ The timber operator shall provide the Director the tentative
12 commencement date of timber operations on the notice required in 14
13 CCR § 1038.2. Within a fifteen (15) day period before beginning
14 timber operations, the timber operator shall notify ~~CDF~~ CAL FIRE of
15 the actual commencement date for the start of operations. The
16 starting date shall be directed to the designated personnel at the
17 appropriate ~~CDF Ranger~~ Unit Headquarters by telephone, email, or by
18 mail.

19 2. ~~(B)~~ Timber operations conducted under this subsection shall
20 conform to applicable city or county general plans, city or county
21 implementing ordinances, and city or county zoning ordinances within
22 which the exemption is located. The timber operator or timberland
23 owner shall certify that the city or county has been contacted and the
24 exemption conforms with all city or county regulatory requirements.

25 3. ~~(C)~~ Timber operations may not be conducted without a copy of

1 the Director's notice of acceptance of the exemption at the operating
2 site, except where the Director has failed to act within the 5 working-
3 day review period.

4 (ii) One-Hundred and Fifty (150) to Three-Hundred (300) Foot Exemption:

5 (A) Only trees that are located from one-hundred-fifty (150) feet up to three-
6 hundred (300) feet from any point of an approved and legally permitted
7 structure that complies with the California Building Code may be harvested.

8 (B) The post-harvest stocking of treated areas shall be consistent with 14 CCR §
9 913.2 (933.2, 953.2).

10 1. The quadratic mean diameter of the treated areas shall increase as a
11 result of harvest activity.

12 2. The post-harvest stand shall be comprised of healthy and vigorous
13 dominant and codominant trees that are well distributed throughout
14 the treated area.

15 (C) Post Harvest slash treatment and stand conditions will lead to more moderate
16 fire behavior in the professional judgment of the registered professional
17 forester who submits the notice of exemption. (STAFF OPTIONS: Adopt
18 only a performance standard, set a minimum treatment standard per
19 other fuel hazard reduction projects, adopt no language and rely on
20 statue for nonduplication. Refer to PRC § 4584(h)(6)(A)(II)(V))

21 (D) In addition to the limitations listed in 14 CCR § 1038(b)(1)-(10), the following
22 apply:

23 1. The Notice of Exemption is prepared, signed, and submitted by a
24 Registered Professional Forester (RPF) to CAL FIRE.

25 2. The RPF shall provide the Director the tentative commencement date

1 of timber operations on the notice required in 14 CCR § 1038.2.

2 Within a fifteen (15) day period before beginning timber operations,

3 the timber operator shall notify CAL FIRE of the actual

4 commencement date for the start of operations. The starting date

5 shall be directed to the designated personnel at the appropriate Unit

6 Headquarters by telephone, email, or by mail.

7 3. Timber operations conducted under this subsection shall conform to

8 applicable city or county general plans, city or county implementing

9 ordinances, and city or county zoning ordinances within which the

10 exemption is located. The RPF or timberland owner shall certify that

11 the city or county has been contacted and the exemption conforms

12 with all city or county regulatory requirements.

13 4. Timber operations may not be conducted without a copy of the

14 Director's notice of acceptance of the exemption at the operating site,

15 except where the Director has failed to act within the 5 working-day

16 review period.

17 (E) For this purpose of 14 CCR § 1038(c)(2), "habitable structure" means a

18 building that contains one or more dwelling units or that can be occupied for

19 residential use. Buildings occupied for residential use include single family

20 homes, multi-dwelling structure, mobile and manufactured homes, and

21 condominiums. A habitable structure does not include commercial, industrial,

22 or incidental buildings such as detached garages, barns, outdoor sanitation

23 facilities, and sheds.

24 (F) CAL FIRE shall evaluate the effects of the exemption allowed under 14 CCR

25 § 1038(c)(ii) and report any findings and recommendations to the legislature

1 prior January 1, 2019.(Staff Note: Possible for Board to identify which
2 aspects of exemption process that CAL FIRE shall evaluate and report
3 upon. Also, the date is important to allow for legislative extension of
4 the Exemption if the process if found to meet the intention of the
5 legislature.)

6 (G) The exemption allowed for pursuant to 14 CCR § 1038(c)(ii) shall sunset on
7 January 1, 2019.

8
9 **§ 1038.2**

10 ***** (f) In addition to (a) through (c) above, the following shall be included for exemptions
11 conducted under 14 CCR § 1038(i), ~~and (j)~~ and (c)(ii).*****

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